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HAROLD G. HOPPE 5049
Pacific Guardian Center, Makai Tower
733 Bishop Street, Suite 2300
Honolulu, HI 96813
Telephone: (808) 528-1903
Facsimile: (808) 531-3860

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

2 FEB 06 2006
at 4:57 o'clock and 45 min. M
SUE BEITIA, CLERK

JOHN R. HILLSMAN 71220
McGuinn, Hillsman & Palefsky
535 Pacific Avenue
San Francisco, CA 94133
Telephone: (415) 421-9292
Facsimile: (415) 403-0202

Attorneys for Dennis Claypool,
Sheryl Claypool, Scott Claypool and Kristen Claypool

UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

CV 04-559

DENNIS CLAYPOOL, individually	)	Civil No. CV04 00570 HG- BMK
and as Guardian Ad Litem for)	
KRISTEN CLAYPOOL, a minor,	)	NOTICE OF ACCEPTANCE OF
SHERYL CLAYPOOL, SCOTT	)	BLUE DOLPHIN CHARTERS,
CLAYPOOL, and KRISTEN	)	LTD.'S OFFER TO ALLOW
CLAYPOOL,	)	MONEY JUDGMENT TO BE
Plaintiffs,	)	TAKEN AGAINST LIMITATION
vs.	)	PLAINIFF/DEFENDANT BLUE
	)	DOLPHIN CHARTERS, LTD., IN
CAPTAIN ANDY'S SAILING, INC.,	)	FAVOR OF THE CLAYPOOL
BLUE DOLPHIN CHARTERS, LTD.	)	PLAINIFFS PURSUANT TO RULE
and BLUE DOLPHIN DIVING, INC.,	)	68 OF THE FEDERAL RULES OF
Defendants.	)	CIVIL PROCEDURE;
	)	DECLARATION OF HAROLD G.
	)	HOPPE; OFFER OF JUDGMENT;

ORIGINAL

CERTIFICATE OF SERVICE.

MATTHEW ISHAM, individually	)	CIVIL NO. CV04-00559 HG-BMK
and as Guardian ad Litem for)	
HAYDEN ISHAM, a minor;)	
ROXANNE BEST ISHAM,)	
)	
Plaintiffs,)	
vs.)	
)	
BLUE DOLPHIN CHARTERS,)	
LTD. and BLUE DOLPHIN)	
DIVING, LTD., CAPTAIN)	
ANDY'S SAILING, INC.,)	
)	
Defendants.)	

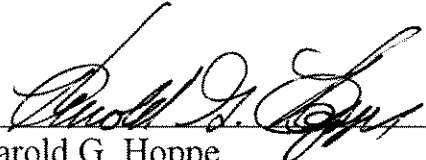
IN THE MATTER OF THE	)	Civil No. CV05-00037 HG BMK
COMPLAINT OF BLUE DOLPHIN)	
CHARTERS, LTD. AND TERRY)	
DONNELLY, AS OWNERS OF)	
THE VESSEL M/V BLUE)	
DOLPHIN, O/N 1082212, FOR)	
EXONORATION FROM AND/OR	)	Trial date: April 11, 2006
<u>LIMITATION OF LIABILITY</u>)	

NOTICE OF ACCEPTANCE OF BLUE DOLPHIN CHARTERS, LTD.'S OFFER
TO ALLOW MONEY JUDGMENT TO BE TAKEN AGAINST LIMITATION
PLAINIFF/DEFENDANT BLUE DOLPHIN CHARTERS, LTD., IN FAVOR OF
THE CLAYPOOL PLAINTIFFS PURSUANT TO RULE 68 OF THE FEDERAL
RULES OF CIVIL PROCEDURE

COME NOW, DENNIS CLAYPOOL, SHERYL CLAYPOOL, SCOTT CLAYPOOL, and KRISTEN CLAYPOOL, Plaintiffs in the above entitled action and pursuant to Rule 68 of the Federal Rules of Civil Procedure, hereby give notice of their acceptances of the Offer of Judgment made by Blue Dolphin Charters, Ltd.

This notice is given on the basis of the attached declaration of Counsel and the original Offer to Allow Money Judgment to be Taken Against Limitation Plaintiff/Defendant Blue Dolphin Charters, Ltd., in Favor of the Claypool Plaintiffs, attached hereto; the file and record in this case; and Rule 68 of the Federal Rules of Civil Procedure.

Dated: February 6, 2006, Honolulu, Hawaii



Harold G. Hoppe
Co-Counsel for Plaintiffs
DENNIS CLAYPOOL, SHERYL
CLAYPOOL, SCOTT CLAYPOOL AND
KRISTEN CLAYPOOL

UNITED STATES DISTRICT COURT

DISTRICT OF HAWAII

DENNIS CLAYPOOL, individually	)	Civil No. CV04 00570 HG- BMK
and as Guardian Ad Litem for)	
KRISTEN CLAYPOOL, a minor,)	
SHERYL CLAYPOOL, SCOTT	)	DECLARATION OF HAROLD G.
CLAYPOOL, and KRISTEN	)	HOPPE
CLAYPOOL,)	
Plaintiffs,)	
vs.)	
)	
CAPTAIN ANDY'S SAILING,)	
INC., BLUE DOLPHIN)	
CHARTERS, LTD. and BLUE)	
DOLPHIN DIVING, INC.,)	
Defendants.)	
)	

MATTHEW ISHAM, individually	)	CIVIL NO. CV04-00559 HG-BMK
and as Guardian ad Litem for)	
HAYDEN ISHAM, a minor;)	
ROXANNE BEST ISHAM,)	
Plaintiffs,)	
vs.)	
)	
BLUE DOLPHIN CHARTERS,)	
LTD. and BLUE DOLPHIN)	
DIVING, LTD., CAPTAIN)	
ANDY'S SAILING, INC.,)	
Defendants.)	
)	

IN THE MATTER OF THE	)	Civil No. CV05-00037 HG BMK
COMPLAINT OF BLUE DOLPHIN)	
CHARTERS, LTD. AND TERRY)	
DONNELLY, AS OWNERS OF)	
THE VESSEL M/V BLUE)	
DOLPHIN, O/N 1082212, FOR)	
EXONORATION FROM AND/OR)	
LIMITATION OF LIABILITY)	

DECLARATION OF HAROLD G. HOPPE

HAROLD G. HOPPE, hereby declares, pursuant to 28 U.S.C. § 1746, as follows:

1. I am an attorney duly admitted to practice before this Court and co-counsel of record for Plaintiffs DENNIS CLAYPOOL, SHERYL CLAYPOOL, SCOTT CLAYPOOL, and KRISTEN CLAYPOOL herein.

2. I make this declaration in support of the CLAYPOOL Plaintiffs' Notice of Acceptance of Blue Dolphin Charters, Ltd.'s Offer to Allow Money Judgment to Be Taken Against Limitation Plaintiff/defendant Blue Dolphin Charters, Ltd., in Favor of the Claypool Plaintiffs Pursuant to Rule 68 of the Federal Rules of Civil Procedure the signed original of this offer accompanies this Notice and Declaration.

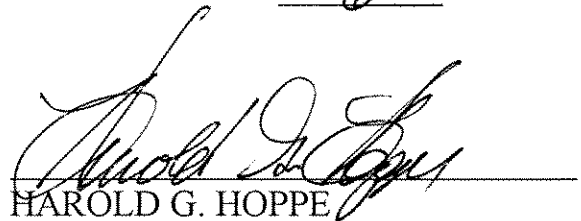
3. The Offer to Allow Money Judgment to Be Taken Against Limitation Plaintiff/defendant Blue Dolphin Charters, Ltd., in Favor of the Claypool Plaintiffs Pursuant to Rule 68 of the Federal Rules of Civil Procedure was signed by Allen K.

Hoe, Esq., at the direction of Robert F. Miller, Esq., the attorney for Terry Donnelly and Blue Dolphin Charters, Ltd. on December 20, 2005, because Mr. Miller was out of town.

4. Mr. Miller later extended the offer for a time period of time to extend beyond the date of a Mandatory Settlement Conference which was scheduled for January 18, 2006, but which was cancelled by the Court due to a Motion by Lexington Insurance.

5. In the intervening time period, the parties have been involved in negotiations which have culminated in a settlement which incorporate in part the subject offer attached hereto.

EXECUTED UNDER PENALTY OF PERJURY THIS 6th DAY
OF FEBRUARY, 2006.


HAROLD G. HOPPE